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DENVER CO 80207

MAILED

JAN 31 2011

OFFICE OF PETITIONS

In re Application of :
Alfred B. LEVESQUE :
Application No. 10/000,360 :
Filed: December 04, 2001 :
Attorney Docket No. :

DECISION ON PETITION

This is a decision on the petition, filed August 19, 2003 and resubmitted December 22, 2003, which is being treated as a petition under 37 CFR 1.8(b), requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision should be filed within two (2) months from the mail date of this decision. *Note* 37 CFR 1.181(f). The request for reconsideration should include a cover letter and be entitled as a "Renewed Petition under 37 CFR 1.181 to Withdraw the Holding of Abandonment."

This application became abandoned for failure to timely pay the issue and publication fees on or before May 27, 2003, as required by the Notice of Allowance and Fee(s) Due, mailed February 25, 2003. Accordingly, the date of abandonment of this application is May 26, 2003.

Petitioner asserts that a timely reply was received by the Office on August 23, 2003, and due to a mistake by the petitioner the wrong amount for the issue fee was submitted. Petitioner also states that an additional fee covering the remaining portion issue fee was submitted on August 19, 2003.

The Office acknowledges that a partial payment was received on August 23, 2003 and that an additional fee was submitted on August 19, 2003. However the full payment of the issue fee was not submitted by May 25, 2003 as required by the Notice of Allowance mailed February 25, 2003. Therefore the petition can not be granted.

ALTERNATIVE VENUE

Petitioner is strongly encouraged to consider filing a petition under 37 CFR 1.137(b) to revive an unintentionally abandoned application instead of filing a renewed petition under 37 CFR 1.181 or a petition under 37 CFR 1.137(a).

A grantable petition pursuant to 37 CFR 1.137(b) must be accompanied by:

- (1) The reply required to the outstanding Office action or notice, unless previously filed. In nonprovisional utility application abandoned for failure to respond to a non-final Office action, the required reply may be met by filing either (A) an argument or amendment under 37 CFR 1.111 or (B) a continuing application under 37 CFR 1.53(b).
- (2) The petition fee as set forth in 37 CFR 1.17(m), **\$810.00 for a small entity or \$1,620.00 for a large entity**,
- (3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

A form for filing a petition to revive an unintentionally abandoned application accompanies this decision for petitioner's convenience. If petitioner desires to file a petition under 37 CFR 1.137(b) instead of filing a request for reconsideration, petitioner must complete the enclosed petition form (PTO/SB/64) and pay the \$810.00 petition fee.

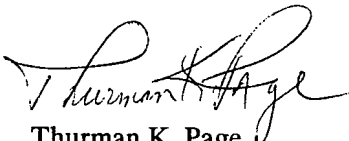
Further correspondence with respect to this matter should be addressed as follows:

By Mail: Mail Stop PETITION
 Commissioner for Patents
 P. O. Box 1450
 Alexandria, VA 22313-1450

By hand: U. S. Patent and Trademark Office
 Customer Service Window, Mail Stop Petitions
 Randolph Building
 401 Dulany Street
 Alexandria, VA 22314

By facsimile: (571) 273-8300
 Attn: Office of Petitions

Telephone inquiries concerning this decision should be directed to Michelle R. Eason at (571) 272-4231.


Thurman K. Page
Petitions Examiner
Office of Petitions